

PERMIT No. NEV93001

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

AUTHORIZATION TO DISCHARGE

In compliance with the provisions Chapter 445A of the Nevada Revised Statutes (NRS), the Permittee,

City of Carlin
Post Office Box 787
Carlin, Elko County, Nevada 89822

is authorized to discharge from the

City of Carlin Wastewater Treatment Facility
101 South Eighth Street
Carlin, Elko County, Nevada 89822

Latitude: 40° 42' 50" North
Longitude: 116° 05' 40" West

to receiving waters named

Groundwater of the State of Nevada by percolation

in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Part I, II, and III hereof.

This permit shall become effective on October 4, 2004.

This permit and the authorization to discharge shall expire at midnight, October 4, 2009.

Application to renew this permit with required fees is due on or before April 4, 2009.

Signed this 4th day of October, 2004.

Tamara Pelham
Staff Engineer II
Bureau of Water Pollution Control

to: P:\BWPC\BWPC Permits\NV and NEV\NEV93001 Carlin\2004\NEV93001 Proposed



PART I

I.A. EFFLUENT LIMITATIONS, MONITORING, AND CONDITIONS

There shall be no discharge from the facility property except as authorized by this permit; there shall be no discharge or release of pollutants or toxic contaminants from the facility to the ground surface or waters of the State; and there shall be no discharge of substances that would cause a violation of water quality standards of the State of Nevada.

I.A.1. Effluent Limitations: During the period beginning on the effective date of this permit and lasting until the permit expires, the Permittee is authorized to discharge from:

Outfall 001: Treated wastewater from the City of Carlin Wastewater Treatment Facility to groundwater of the State.

- a. Confirmation samples or discharge parameter measurements shall be collected at the:
 - i. Influent: At the influent pump station;
 - ii. Effluent: At the discharge of Lagoon Cell 2; and
 - iii. Irrigation: Prior to discharge for purposes of flood irrigation.
- b. The effluent discharge shall be limited and monitored in accordance with the following specifications:

EFFLUENT LIMITATIONS

PARAMETERS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS		
	<u>30-Day Average</u>	<u>Daily Maximum</u>	<u>Sample Location</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Total Flow (mgd)	0.5	0.9	Influent	Continuous	Flow Meter
Irrigation Volume (gallons)	Monitor & Report		Irrigation	Monthly	Flow Meter/Totalizer
Inhibited BOD (mg/L)	Monitor & Report		Influent	Monthly	Composite
Inhibited BOD (mg/L)	25	40	Effluent	Monthly	Composite
Inhibited BOD Treatment Efficiency (%)	85		-----	Monthly	Calculate
Total Suspended Solids (mg/L)	-----	90	Effluent	Monthly	Composite
pH (SU)	6-9		Effluent	Monthly	Discrete
Nitrate as N (mg/L)	Monitor & Report		Effluent	Quarterly	Discrete
Total Nitrogen as N (mg/L)	Monitor & Report		Effluent	Quarterly	Discrete
Total Nitrogen as N Applied (pounds)	Monitor & Report		Irrigation	Quarterly	Calculation
Cumulative Annual Nitrogen Applied (pounds/acre-year) ¹	Monitor & Report		Irrigation	Annually	Calculation (cumulative)

mgd: million gallons per day
mg/L: milligrams per liter
as N: As nitrogen

BOD: Biochemical oxygen demand
(inhibited refers to carbonaceous)
SU: Standard Units

Footnotes:

¹: Annual nitrogen load is determined based on the nitrogen budget. The total annual nitrogen applied (lbs/acre/year) shall not be greater than the total annual nitrogen uptake (lbs/acre/year). Calculations and monitoring data shall use the **total nitrogen** in the applied wastewater (monitored by the treatment facility), total

nitrogen from fertilizer applications, nitrogen uptake by crops or vegetation, evapotranspiration rate, precipitation rate, and fraction of applied nitrogen removed by denitrification and volatilization.

Quarterly accounting of nitrogen load is required to track and verify timely management of nitrogen application throughout the progression of a calendar year. Each quarter, the cumulative annual amount of total nitrogen applied (January through December) shall be increased by the incremental amount of nitrogen applied during the reported quarter. Data provided in the fourth quarter annual report must demonstrate compliance with the annual nitrogen load allocated under the Effluent Management Plan (January through December).

I.A.2. Groundwater Monitoring: Discrete groundwater samples shall be collected to confirm the effective protection of groundwater under the established discharge conditions of this permit.

- a. Groundwater monitoring and data rendering activities shall be conducted using monitoring protocols approved by the Nevada Division of Environmental Protection – Bureau of Water Pollution Control (Division).
- b. Discrete samples shall be collected from all groundwater monitoring wells, including MW-1, MW-2, MW-3, MW-4, MW-5, and any subsequent monitoring wells installed while this permit remains in effect. The installation and use of additional monitoring wells must be reported to the Division and amended to the groundwater monitoring program as a minor modification to the permit.
- c. Groundwater monitoring wells shall be conspicuously labeled, capped to prevent migration of surface contaminants to the groundwater, and locked to restrict access.
- d. The Permittee shall monitor all new and existing groundwater monitoring wells for the following parameters:

GROUNDWATER MONITORING REQUIREMENTS

PARAMETER	LIMITATIONS	SAMPLE LOCATION	SAMPLE FREQUENCY	SAMPLE TYPE
Depth to Groundwater (feet)	Monitor & Report	Each Well	Quarterly	Field Measurement
Groundwater Elevation (feet above msl)	Monitor & Report	Each Well	Quarterly	Calculate
Total Nitrogen as N (mg/L)	Monitor & Report	Each Well	Quarterly	Discrete
Nitrate as N (mg/L)	10	Each Well	Quarterly	Discrete
Chlorides (mg/L)	Monitor & Report	Each Well	Quarterly	Discrete
Total Dissolved Solids (mg/L)	Monitor & Report	Each Well	Quarterly	Discrete

msl: mean sea level
mg/L: milligram per liter
as N: as Nitrogen

- e. If the nitrate as nitrogen (as N) concentrations measured in groundwater increase to:
 - i. 7.0 mg/L, the Permittee shall notify the Division immediately (within 5-days of becoming aware of the condition), and within 30-days after notifying the Division, the Permittee shall submit a plan for the reduction of nitrogen in groundwater that includes a proposal for an alternative method of disposal. Modifications to the EMP shall be also contemplated and incorporated in an effort to improve discharge management practices which increase nitrogen uptake by vegetation and/or adjust other nitrogen sources. The plan and the revised EMP is subject to Division approval and must receive approval in order to satisfy this condition.
 - ii. 9.0 mg/L, the Permittee shall begin implementation of the plan and shall execute all corrective action necessary to ensure no further degradation of groundwater.
 - iii. 10.0 mg/L, the Permittee shall discontinue the use of reclaimed wastewater and the discharge to groundwater shall cease, unless otherwise authorized by the

Division.

- I.A.3. **Odors:** There shall be no objectionable odors from the facility, irrigation areas, evaporation/percolation area(s), or facility discharges.
- I.A.4. **Visibility Parameters:** There shall be no discharge of floating solids or visible foam in other than trace amounts.
- I.A.5. **Nuisance Control:** Facility operations shall not cause or contribute to the propagation of pests or vector nuisances.
- I.A.6. **Hazard Notification:**
- a. The Permittee shall provide a copy of a brief, but complete and understandable document describing the possible hazards and proper hygiene of working with and around reclaimed water to potentially exposed personnel or persons using reclaimed water. The document shall be printed in relevant languages.
 - b. Irrigation areas, lagoons, and the reservoir shall be posted with conspicuous signs to clearly indicate the use or presence of treated wastewater and to avoid contact. Ancillary equipment used for reclaimed water irrigation shall be clearly marked to indicate use with reclaimed water. Any piping and valving systems used for treated effluent shall be properly color coded in accordance with standard plumbing practice.
- 1.A.7. **Facility Construction:** Collection, treatment, and/or disposal facilities shall be constructed in conformance with plans approved by the Division. All plans must be approved by the Division prior to the start of construction and must be stamped by a Professional Engineer registered in the State of Nevada. All changes to any plans approved by the Division must be stamped by a Professional Engineer registered in the State of Nevada and re-approved by the Division prior to implementation.
- I.A.8. **Process Operations and Maintenance:** The facility shall be operated in compliance with permit provisions and requirements and in accordance with an Operations and Maintenance (O&M) Manual, which must be submitted to, and approved by, the Division in order to satisfy this permit condition. The O&M Manual shall be updated whenever there is a change in the mechanical configuration or operation of the facility.
- The O&M Manual must include an Effluent Management Plan, which shall also be updated whenever there is a change in the operation of the facility.
- a. EMP provisions shall contain the information required to comply with this permit. Preparation of the EMP in accordance with *WTS-1 – Guidance Document for Effluent Management Plans for Reuse of Wastewater Effluent* is recommended.
 - b. The Permittee shall calculate the maximum annual mass of nitrogen that may be applied without adverse impact based on the crop uptake, leaching fraction, volatilization and denitrification in soils in units of pounds per acre per year. This value shall be included in the EMP.
 - c. The EMP shall include operation and maintenance procedures for the use and operation of the irrigation systems and the storage reservoir.
 - d. Copies of documentation used for purposes of hazard notification to exposed personnel or persons using treated wastewater shall be included in the EMP.
 - e. The EMP shall include a description of sampling and analysis procedures for monitoring requirements specified as a condition of this permit.

- I.A.9. **Nitrogen Load:** The total nitrogen applied (pounds per acre per year) shall not exceed the maximum yearly nitrogen application rate calculated in the EMP.
- I.A.10. **Freeboard:** Lagoons and the storage reservoir shall be inspected in accordance with the EMP. A minimum of 2-feet of freeboard shall be maintained in the lagoons and storage reservoir at all times.
- I.A.11. **Security:** The treatment and disposal facility shall be fenced and posted with signs indicating wastewater treatment. Lagoons, rapid infiltration basins, and the reservoir shall be secured to restrict vehicular traffic or access.
- I.A.12. **Application:** With the exception of tailwater control areas, irrigation shall be performed in such a manner as to reduce standing water to a minimum. Runoff beyond property boundaries is prohibited.
- I.A.13. **Certified Operator:** The treatment facility shall be operated by a currently licensed, Nevada Certified Class I (or higher) Operator (Nevada Administrative Code [NAC] 445A.290).
- I.A.14. **Well Abandonment:** Abandonment of any groundwater monitoring wells shall be conducted under the approval of, and in accordance with the requirements established by, the Division and the State Engineer's office.
- I.A.15. **Sewage Sludge Management:** Facilities that generate and dispose of sewage sludge or biosolids shall comply with applicable local, State, and Federal regulations, including but not limited to, 40 Code of Federal Regulations Parts 503 and 258. Authorization for land application, incineration, or surface disposal of sewage sludge or biosolids is not governed under the provisions or intent of this permit.
- I.A.16. **Solid Waste Management:** All solid, toxic, or hazardous waste shall be properly handled and disposed of pursuant to applicable laws and regulations. Any sludge generated during this operation shall be characterized and disposed of in accordance with local, State, and Federal regulations.
- I.A.17. **Presumption of Possession and Compliance:** Copies of this permit, any subsequent modifications, and the approved O&M Manual shall be maintained at the permitted facility at all times.
- I.A.18. **Prerogative to Reopen:** This permit may be re-opened, re-evaluated, and modified by the permitting authority to include effluent limits, additional testing, and/or other appropriate actions in response to demonstrated effluent toxicity or conditions confirmed by subsequent monitoring data. This permit may also be re-evaluated and modified by the permitting authority to incorporate alternative permit conditions determined to be appropriate based on subsequent monitoring data and/or effluent toxicity information.
- I.A.19. **Annual Fee:** The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting **July 1, 2005** and every year thereafter until the permit is terminated.
- I.A.20. **Schedule of Compliance:** The Permittee shall implement and comply with the provisions of the schedule of compliance after approval by the Administrator, including in said implementation and compliance, any additions or modifications which the Administrator may make in approving the schedule of compliance. The Permittee shall implement and/or execute the following scheduled compliance requirements:
- a. **Upon issuance of the permit,** the Permittee shall achieve compliance with all discharge limitations; and,

- b. **Within 45 days of the permit issue date (date)**, the Permittee shall submit an updated O&M Manual prepared in accordance with guidance document *WTS-2: Minimum Information Required for an Operations and Maintenance Manual*. The updated O&M Manual must:
- i. Be stamped by a Professional Engineer licensed in the State of Nevada;
 - ii. Include an Effluent Management Plan;
 - iii. Include sampling and analyses protocol relevant for samples collected to demonstrate compliance with the permit;
 - iv. Include provisions for vector attraction controls; and,
 - v. Define and describe sewage sludge handling and management procedures.
- c. Schedule of compliance documents and evidence of compliance must be submitted to:

Nevada Division of Environmental Protection
Bureau of Water Pollution Control
333 West Nye Lane, Room 129
Carson City, Nevada 89706-0851
Attn: Diana Silsby - Compliance Coordinator

I.B. MONITORING AND REPORTING

I.B.1. Monitoring

- a. **Representative Samples:** Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.
- b. **Test Procedures:** Monitoring for the analysis of pollutants shall be conducted according to test procedures approved under 40 Code of Federal Regulations (CFR) 136 published pursuant to Section 304(h) of the Clean Water Act, Solid Waste (SW)-846 methods, or other procedures as approved by the Division. Analysis shall be performed by a State of Nevada certified laboratory.
- c. **Recording the Results:** For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:
- i. The exact place, date, and time of sampling;
 - ii. The dates the analyses were performed;
 - iii. The person(s) who performed the analyses;
 - iv. The analytical techniques or methods used; and
 - v. The results of all required analyses.
- d. **Additional Monitoring by Permittee:** If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in any calculation and/or reported value required by this permit. Such increased frequency shall also be indicated in required reports.
- e. **Records Retention:** All records and information resulting from monitoring activities; the permit application; reporting required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation shall be retained for a minimum of five (5) years or

longer if required by the Administrator.

- f. **Detection Limits:** All laboratory analysis conducted in accordance with this discharge permit must meet the following criteria:
- i. Analytical methods used shall be:
 - A. Selected from 40 CFR 136;
 - B. Selected from SW-846; or,
 - C. An Alternate Test Procedure approved by the Environmental Protection Agency, Region IX; and,
 - D. Approved by the Nevada Division of Environmental Protection, Environmental Laboratory Services.
 - ii. Analytical methods used to determine parameter concentrations shall have a detection level below the permitted limitation. Quantified data below the practical quantitation level, but above the detection level shall be explained in a footnote.
 - iii. The Permittee is considered in compliance if reported results are less than the established permit limit.
- g. **Modification of Monitoring Frequency and Sample Type:** After considering monitoring data, stream flow, discharge flow, discharge frequency, and receiving water conditions, the Division and/or Administrator may, for just cause, modify the monitoring frequency and/or sample type by issuing an order to the Permittee.
- h. **Definitions**
- i. **Daily maximum:** is the highest measurement obtained during the monitoring period.
 - ii. **30-day average discharge:** means the total discharge during a month divided by the number of samples in the period that the facility was discharging. Where less than daily sampling is required by this permit, the 30-day average discharge shall be determined by the summation of all the measured discharges divided by the number of samples during the period when the measurements were made.
 - iii. **30-day average concentration:** means the arithmetic mean of measurements made during a month (other than for fecal coliform bacteria). The "30-day average concentration" for fecal coliform bacteria means the geometric mean of measurements made during a month. The geometric mean is the " n^{th} " root of the product of " n " numbers. Geometric mean calculations where there are non-detect results for fecal coliform shall use a value of $\frac{1}{2}$ the detection limit to represent the non-detect results.
 - iv. **"Discrete" sample:** means any individual sample collected in less than 15 minutes.
 - v. **"Composite" sample:** (for flow-rate measurements) means the arithmetic mean of no fewer than six (6) individual measurements taken at equal time intervals for 24 hours or for the duration of discharge, whichever is shorter.
 - vi. **"Composite" sample:** (for measurements other than flow-rate) means a combination of no fewer than six (6) individual flow-weighted samples obtained at equal time intervals for 24 hours or for the duration of discharge, whichever is shorter. Flow-weighted sample means that the volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling.

I.B.2. **Reporting:**

- a. **Discharge Monitoring Reports:** Analytical data and monitoring results shall be summarized and/or tabulated for presentation in standardized Discharge Monitoring Reports (DMRs). Laboratory reports for quantitative analyses conducted by State of Nevada certified laboratories must accompany DMR submittals. If no discharge occurs during the reporting period, report "no discharge" on the submitted DMR. If groundwater wells are dry, report "dry" on the DMR for that period.
- b. **Schedule:** DMRs shall be received by the 28th day of the month following the third month of each quarter (reporting period). Quarterly and annual reporting periods are based on the standard annual cycle, January 1 through December 31. The first report is due on October 28, 2004.
- c. **Certification:** DMRs must be signed by the highest ranking certified operator that is responsible for the facility. The first DMR submitted under this permit must include the written designation of the authorized representative elected to sign DMRs. The designated representative responsible for facility operations must sign each subsequent DMR submitted to the Division. If the authorized representative changes, a new designation letter must be submitted.

If facility monitoring activities are performed by a contracted or licensed professional during the reporting period, the names and contact information for the individuals or entities conducting the work shall be provided with the required DMR information.

- d. **Submittals:**
- i. Quarterly Reporting: Monitoring results for the effluent discharge and groundwater monitoring requirements described in Part I.A.1. shall be summarized and tabulated for each quarter. The Permittee is considered in compliance if the reported results are less than the established permit limit. Any data submitted that exceeds the limits of Part I.A.1 must be explained by a narrative. The Permittee shall also submit reported data in electronic format compatible with Microsoft Office software (version 97 or later).
- ii. Annual Report: The fourth quarter report shall contain a plot of concentration (y-axis) versus date (x-axis) for each effluent limit listed under Part I.A.1 and each groundwater monitoring parameter (constituent) listed under Part I.A.2. The plot shall include data from the preceding five (5) years or the lifetime of the permit, whichever is shorter. A narrative must explain any data point from the current year that exceeds the limits in Part I.A.1.
- iii. Compliance Report: Reports of compliance or noncompliance with, or any progress reports pertaining to, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- iv. Other Information: Where the Permittee becomes aware of failure to submit any relevant facts in a permit application or has submitted incorrect information in a permit application or in any report to the Division, the Permittee shall promptly submit such facts or information.
- v. Planned Changes: The Permittee shall give notice to the Division as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when the alteration or addition to a permitted facility:

- A. Could significantly change the nature or increase the quantity of pollutants discharged; or
 - B. Results in a significant change to the Permittee's sludge management practice or disposal sites.
- e. **Anticipated Noncompliance:** The Permittee shall give advance notice to the Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- f. **Submittal:** An original signed copy of these, and all other reports required herein, shall be submitted to the Division at the following address:

Division of Environmental Protection
Bureau of Water Pollution Control
333 West Nye Lane
Carson City, Nevada 89706-0851
Attn: Diana Silsby - Compliance Coordinator

I.B.3. Signatory Certification Required on Application and Reporting Forms:

- a. All applications, reports, or information submitted to the Administrator shall be signed and certified by making the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- b. All applications, reports, or other information submitted to the Division shall be signed by one of the following:
 - i. A principal executive officer of the corporation (of at least the level of vice president) or his authorized representative who is responsible for the overall operation of the facility from which the discharge described in the application or reporting form originates;
 - ii. A general partner of the partnership;
 - iii. The proprietor of the sole proprietorship; or
 - iv. A principal executive officer, ranking elected official, or other authorized employee of the municipal, state, or other public facility.
- c. **Changes to Authorization:** If an authorization under Part I.B.3. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part I.B.3. must be submitted to the Administrator prior to or together with any reports, information, or applications to be signed by an authorized representative.

PART II

II.A. MANAGEMENT REQUIREMENTS

- II.A.1. **Change in Discharge:** All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than, or at a level in excess of, that authorized shall constitute a violation of the permit.

Any anticipated facility expansions or treatment modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit issuing authority of such changes. Any changes to the permitted treatment facility must comply with NAC 445A.283 to 445A.285. Pursuant to NAC 445A.263, the permit may be modified to specify and limit any pollutants not previously limited.

- II.A.2. **Facilities Operation-Proper Operation and Maintenance:** The Permittee shall, at all times, maintain in good working order and operate as efficiently as possible all treatment or control facilities, collection systems, or pump stations installed or used by the Permittee to achieve compliance with the terms and conditions of this permit.

- II.A.3. **Adverse Impact-Duty to Mitigate:** The Permittee shall take all reasonable steps to minimize releases to the environment resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. The Permittee shall carry out such measures, as reasonable, to prevent significant adverse impacts on human health or the environment.

- II.A.4. **Noncompliance, Unauthorized Discharge, Bypassing, and Upset:**

- a. Any diversion, bypass, spill, overflow, or discharge of treated or untreated wastewater from wastewater treatment or conveyance facilities under the control of the Permittee is prohibited except as authorized by this permit. In the event the Permittee has knowledge that a diversion, bypass, spill, overflow, or discharge not authorized by this permit is probable, the Permittee shall immediately notify the Division at 775.687.9418 and/or 775.687.4670.
- b. The Permittee shall notify the Administrator within twenty-four (24) hours of any diversion, bypass, spill, upset, overflow, or release of treated or untreated discharge other than that which is authorized by the permit. The following shall be included as information which must be reported within 24 hours:
 - i. Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - ii. Any upset which exceeds any effluent limitation in the permit; and
 - iii. Any violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.
- c. A written report shall be submitted to the Division within five (5) days of diversion, bypass, spill, overflow, upset, or discharge detailing the entire incident including:
 - i. Time and date of discharge;
 - ii. Exact location and estimated amount of discharge;
 - iii. Flow path and any bodies of water which the discharge contacts;
 - iv. The specific cause of the discharge; and

- v. The preventive and/or corrective actions taken.
- d. The Permittee shall report all instances of noncompliance not reported under Part II.A.4.c. at the time monitoring reports are submitted. The reports shall contain the information listed in Part II.A.4.c.
- e. A "bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
 - i. Bypass not exceeding limitations: The Permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts II.A.4.a. and II.A.4.b.
 - ii. Anticipated bypass: If the Permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten (10) days before the date of bypass.
- f. Bypass is prohibited and the Division may take enforcement action against a Permittee for bypass unless:
 - i. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurs during normal periods of equipment downtime or preventative maintenance; and
 - iii. The Permittee submitted notices as required under Part II.A.4.e.
- g. The Division may approve an anticipated bypass, after considering its adverse effects, if the Division determines that it will meet the three conditions listed in Part II.A.4.f.
- h. An "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- i. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
 - i. An upset occurred and the Permittee can identify the cause(s) of the upset;
 - ii. The permitted facility was at the time being properly operated;
 - iii. The Permittee submitted notice of the upset as required under Part II.A.4.e.; and
 - iv. The Permittee complied with any remedial measures required under II.A.3.
- j. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part II.A.4.i. are met.

- k. In selecting the appropriate enforcement option, the Administrator shall consider whether or not the noncompliance was the result of an upset. The burden of proof is on the Permittee to establish that an upset occurred.

II.A.5. **Removed Substances:** Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of process wastewaters shall be disposed of in a manner such as to prevent any pollution from such materials from entering any navigable waters.

II.A.6. **Safeguards to Electric Power Failure:** In order to maintain compliance with the effluent limitations and prohibitions of this permit the Permittee shall either:

- a. Provide, at the time of discharge, an alternative power source sufficient to operate the wastewater control facilities; or
- b. Halt or reduce all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

II.B. RESPONSIBILITIES

II.B.1. **Right of Entry and Inspection:** The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials, to:

- a. Enter, at reasonable times, upon the Permittee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this permit;
- b. Have access to and copy any records required to be kept under the terms and conditions of this permit;
- c. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations required in this permit; and
- d. Perform any necessary sampling or monitoring to determine compliance with this permit at any location for any parameter.

II.B.2. **Transfer of Ownership or Control:** In the event of any change in control or ownership of facilities from which the authorized discharge emanates, the Permittee shall notify the succeeding owner or controller of the existence of this permit, by letter, a copy of which shall be forwarded to the Administrator. The Administrator may require modification or revocation and re-issuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary. The Division shall approve all transfer of permits.

II.B.3. **Availability of Reports:** Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Administrator. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.

II.B.4. **Furnishing False Information and Tampering with Monitoring Devices:** Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation, or order issued pursuant thereto or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive or by any permit, rule, regulation, or order issued pursuant thereto is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This

penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.

- II.B.5. **Penalty for Violation of Permit Conditions:** NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.
- II.B.6. **Permit Modification, Suspension, or Revocation:** After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
- a. Violation of any terms or conditions of this permit;
 - b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
 - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- II.B.7. **Toxic Pollutants:** Notwithstanding Part II.B.6., if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.
- II.B.8. **Liability:** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State, or local laws, regulations, or ordinances.
- II.B.9. **Property Rights:** The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, rights, or rights of access or easement; nor does it authorize any injury to private property, any invasion of personal rights, or any infringement of Federal, State, or local laws or regulations.
- II.B.10. **Severability:** The provisions of this permit are severable, and if any provision of this permit or the application of any provisions of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- II.B.11. **Need to Halt or Reduce Activity Not a Defense:** The need to halt or reduce permitted activities in order to maintain compliance with the conditions of this permit shall not be a defense for a Permittee in an enforcement action.
- II.B.12. **Duty to Provide Information:** The Permittee shall furnish to the Administrator, within a reasonable time, any relevant information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this permit.

PART III

III.A. OTHER REQUIREMENTS

- III.A.1. **Reapplication:** If the Permittee desires to continue to discharge, he shall reapply not later than 180 days before this permit expires on the application forms then in use. The fee required by NAC 445A.232 shall accompany the renewal application.

III.A.2. **Flow Rate Notification:** The Permittee shall notify the Administrator, by letter, not later than 90 days after the 30-day average daily influent flow rate first equals or exceeds 85% of the design treatment capacity of the permitted facility or limitations specified in Part I.A. The letter shall include:

- a. The 30-day average daily influent flow rate;
- b. The maximum 24-hour flow rate measured during the pertinent 30-day period and the date the maximum flow occurred;
- c. An estimate of when the 30-day average influent flow rate will equal or exceed the design capacity of the permitted facility;
- d. A status report for the facility which will outline, but not be limited to, past performance, remaining capacity of the limiting treatment and disposal units or sites, past operational problems and improvement instituted, and modifications to the treatment works which are needed to attain the permitted flow rate due to changing, site-specific conditions or design criteria; and
- e. A schedule of compliance to provide additional treatment capacity before the 30-day average daily influent flow rate equals the present design treatment capacity of the permitted facility.

III.A.3. **Holding Pond Conditions:** The construction of any new ponds for process wastewater and stormwater runoff control, modifications to existing ponds, and/or closure or replacement of existing ponds must be approved by the Division prior to commencement of construction. Such ponds shall be located and constructed so as to:

- a. Contain, without discharge, the once-in-25 year, 24-hour storm event at said location;
- b. Withstand, without structural damage, the once-in-100 year flood of said location; and
- c. Prevent escape of wastewater by leakage other than as authorized by this permit.